



1652
Docket No. J&J-2065

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen M. Prouty, Lin Zhang, Kurt S. Stenn
Serial No. : 10/016,725
Filed : October 30, 2001
Title : STEAROYL-CoA DESATURASE GENE PROMOTER

Art Unit : 1652
Examiner : Manjunath N. Rao

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231 on

May 5, 2003
(Date of Deposit)

William E. McGowan
(Name of applicant, assignee, or Registered Representative)

May 5, 2003
(Date of Signature)

Honorable Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION

Dear Sir:

In response to the Office Action of April 4, 2003 requesting restriction between Group I (claims 1-13) and Group II (claims 14-18), Applicants hereby provisionally elect Group I with traverse. M.P.E.P. § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are 1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. Here, the Examiner has not shown that there would be a serious burden if restriction were not required. Accordingly, Applicants respectfully request the restriction requirement be withdrawn, and all pending claims be examined. Applicants await an action on the merits.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 
William E. McGowan
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Dated: May 5, 2003